

UNITED STATES BANKRUPTCY COURT  
Eastern District of California  
Honorable W. Richard Lee  
Hearing Date: Thursday, September 5, 2013  
Place: Department B – Courtroom #12  
Fresno, California

**INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS**

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**
2. Submission of Orders:  
  
Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.
3. Matters Resolved Without Opposition:  
  
If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Vicky McKinney, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.
4. Matters Resolved by Stipulation:  
  
If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.
5. Resubmittal of Denied Matters:  
  
If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

**9:00 A.M.**

1. [13-10302](#)-B-11 GMC DAIRY FARMS LP  
TOG-9  
THOMAS GILLIS/MV  
  
THOMAS GILLIS/Atty. for dbt.  
RESPONSIVE PLEADING  
  
MOTION FOR COMPENSATION FOR  
SOUSA AND COMPANY,  
ACCOUNTANT(S),  
7-30-13 [[348](#)]
2. [12-14514](#)-B-11 TERRENCE/LORRENE  
[12-1199](#) GONSALVES HAR-2  
GONSALVES ET AL V. HABIB  
HILTON RYDER/Atty. for mv.  
  
MOTION FOR ENTRY OF DEFAULT  
JUDGMENT  
8-8-13 [[52](#)]
3. [12-14514](#)-B-11 TERRENCE/LORRENE  
GONSALVES  
  
HILTON RYDER/Atty. for dbt.  
  
CONTINUED CHAPTER 11 STATUS  
CONFERENCE  
5-25-12 [[9](#)]
4. [12-14514](#)-B-11 TERRENCE/LORRENE  
HAR-6 GONSALVES  
  
HILTON RYDER/Atty. for dbt.  
RESPONSIVE PLEADING  
  
HEARING RE: CONFIRMATION OF  
AMENDED PLAN  
5-7-13 [[239](#)]
5. [12-14514](#)-B-11 TERRENCE/LORRENE  
HAR-9 GONSALVES  
TERRENCE GONSALVES/MV  
  
HILTON RYDER/Atty. for dbt.  
  
CONTINUED MOTION TO COMPROMISE  
CONTROVERSY/APPROVE SETTLEMENT  
AGREEMENT WITH WELLS FARGO BANK  
N.A.  
4-22-13 [[209](#)]
6. [13-12342](#)-B-11 MEHRDAD FAY  
KDG-5  
HAGOP BEDOYAN/MV  
  
HAGOP BEDOYAN/Atty. for dbt.  
RESPONSIVE PLEADING  
  
MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF KLEIN, DENATALE,  
GOLDNER, COOPER, ROSENLIB, AND  
KIMBALL, LLP FOR HAGOP T.  
BEDOYAN, DEBTOR'S ATTORNEY(S),  
8-1-13 [[86](#)]

**10:30 A.M.**

1.    [13-10603](#)-B-7    OMAR ENRIGUEZ                      STATUS CONFERENCE RE: AMENDED  
         [13-1049](#)    COMPLAINT  
         HEREDIA V. ENRIGUEZ                      8-8-13 [[23](#)]  
         GABRIEL WADDELL/Atty. for pl.  
         MOTION TO DISMISS AMENDED  
         COMPLAINT FILED

**This matter will be continued to September 25, 2013, at 9:00 a.m. to be set with the defendant's motion to dismiss. The court will prepare a minute order. No appearance is necessary.**

2.    [13-13527](#)-B-7    BRIAN MILLER                      STATUS CONFERENCE RE: COMPLAINT  
         [13-1079](#)    7-11-13 [[1](#)]  
         SCOGGINS V. MILLER  
         WILLIAM REHWALD/Atty. for pl.

**Based on the plaintiff's status report and notice of possible settlement, this matter will be continued to October 9, 2013, at 10:30 a.m. to be called with the plaintiff's pending motion for relief from the automatic stay. The court will prepare a minute order. No appearance is necessary.**

3.    [13-11830](#)-B-7    KUMLDEEP SIDHU                      STATUS CONFERENCE RE: AMENDED  
         [13-1030](#)    COMPLAINT  
         SIDHU V. RIVER CITY FINANCIAL,  
         LLC ET AL                                      7-9-13 [[17](#)]  
         TIMOTHY SPRINGER/Atty. for pl.

**It appears the defendant(s) default has been entered. The status conference will be dropped from calendar and may be reset by any party on 10 days' notice. No appearance is necessary. The clerk of the court may close the adversary proceeding without notice in 60 days unless the adversary proceeding has been concluded or set for a further status conference within that time. Either party may request an extension of this time up to 30 days by ex parte application for cause. After the adversary proceeding has been closed, the parties will have to file an application to reopen the adversary proceeding if further action is required. The court will issue a civil minute order.**

4.    [12-19232](#)-B-7    DARIN CROSS                      CONTINUED STATUS CONFERENCE RE:  
         [13-1012](#)    COMPLAINT  
         CROSS V. EDUCATIONAL CREDIT  
         MANAGEMENT CORPORATION              1-23-13 [[1](#)]  
         SCOTT LYONS/Atty. for pl.  
         RESPONSIVE PLEADING

5.     [12-15487](#)-B-7     ANTHONY LEONIS  
       [13-1050](#)  
       PARKER V. STODDARD ET AL  
       TRUDI MANFREDO/Atty. for pl.  
       RESPONSIVE PLEADING

CONTINUED STATUS CONFERENCE RE:  
COMPLAINT  
4-29-13 [[1](#)]

1:30 P.M.

1. [10-19414](#)-B-13 RICARDO VIDALES AND  
SL-3 ESTELA DE LA CRUZ VIDALES  
RICARDO VIDALES/MV  
SCOTT LYONS/Atty. for dbt. MOTION TO VALUE COLLATERAL OF  
BENEFICIAL CALIFORNIA, INC.  
8-20-13 [[42](#)]
2. [13-15124](#)-B-13 AGUSTIN SANCHEZ  
TOG-1  
AGUSTIN SANCHEZ/MV  
THOMAS GILLIS/Atty. for dbt. MOTION TO VALUE COLLATERAL OF  
CARRINGTON MORTGAGE SERVICES,  
LLC  
8-2-13 [[9](#)]

**This motion to value the collateral for a consensual lien against real property was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. *Unless the chapter 13 plan has been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.* The debtor(s) shall submit a proposed order consistent with this ruling. No appearance is necessary.**

***This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.***

3. [13-11547](#)-B-13 SILVANO CERVANTES  
SL-1  
SILVANO CERVANTES/MV  
SCOTT LYONS/Atty. for dbt.  
RESPONSIVE PLEADING CONTINUED MOTION TO VALUE  
COLLATERAL OF BANK OF AMERICA,  
NATIONAL ASSOCIATION  
7-3-13 [[24](#)]
4. [11-63849](#)-B-13 TOMMIE/KIM THOMPSON  
GH-1  
TOMMIE THOMPSON/MV  
GARY HUSS/Atty. for dbt.  
RESPONSIVE PLEADING MOTION TO MODIFY PLAN  
7-19-13 [[70](#)]
5. [13-13061](#)-B-13 VANESSA FITZGERALD  
GH-2  
VANESSA FITZGERALD/MV  
GARY HUSS/Atty. for dbt.  
RESPONSIVE PLEADING CONTINUED MOTION TO CONFIRM  
PLAN  
6-13-13 [[33](#)]
6. [13-13061](#)-B-13 VANESSA FITZGERALD CONTINUED COUNTER MOTION TO

MHM-1  
MICHAEL MEYER/MV  
GARY HUSS/Atty. for dbt.  
RESPONSIVE PLEADING

DISMISS CASE  
7-22-13 [[44](#)]

7. [13-11862](#)-B-13 BARRY/SILVIA FISHER  
MAG-2  
BARRY FISHER/MV  
MARC GOLDBACH/Atty. for dbt.  
RESPONSIVE PLEADING

MOTION TO CONFIRM PLAN  
7-16-13 [[34](#)]

8. [13-11862](#)-B-13 BARRY/SILVIA FISHER  
MAG-3  
BARRY FISHER/MV  
MARC GOLDBACH/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
CHARTER ONE BANK  
7-16-13 [[38](#)]

**This motion to value the collateral for a consensual lien against real property was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. *Unless the chapter 13 plan has been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.* The debtor(s) shall submit a proposed order consistent with this ruling. No appearance is necessary.**

***This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.***

9. [12-18670](#)-B-13 ESTEBAN/GUADALUPE OROZCO  
JDM-2  
ESTEBAN OROZCO/MV  
JAMES MILLER/Atty. for dbt.

OBJECTION TO CLAIM OF FINANCIAL  
CREDIT NETWORK, CLAIM NUMBER 6  
7-15-13 [[42](#)]

**The objection will be sustained without oral argument. The record reflects that the objection is unopposed. The claim will be disallowed in full on the grounds stated in the objection. The objecting party shall prepare the proposed order. No appearance is necessary.**

10. [13-15271](#)-B-13 JAVIER PEREZ AND MARIA  
TOG-1 SANCHEZ  
JAVIER PEREZ/MV  
THOMAS GILLIS/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
AMERICA'S SERVICING COMPANY  
8-2-13 [[10](#)]

**This motion to value the collateral for a consensual lien against real property was fully noticed in compliance with the Local Rules and there was no opposition. The motion will be granted for cause shown without oral argument. Based on the evidence offered in support of the motion, the respondent's junior priority mortgage claim is found to be wholly unsecured and may be treated as a general unsecured claim in the chapter 13 plan. The debtor(s) may proceed under state law to obtain a reconveyance of respondent's trust deed upon completion of the chapter 13 plan and entry of the discharge. *Unless the chapter 13 plan has been confirmed, then the order shall specifically state that it is not effective until confirmation of the plan.* The debtor(s) shall submit a proposed order consistent with this ruling. No appearance is necessary.**

***This ruling is only binding on the named respondent in the moving papers and any successor who takes an interest in the property after service of the motion.***

11. [13-13173](#)-B-13 MICHAEL/GUADALUPE  
RHB-1 CANIZALEZ  
MICHAEL CANIZALEZ/MV  
RICHARD BAMBL/Atty. for dbt.  
CASE DISMISSED

MOTION TO CONFIRM PLAN  
7-22-13 [[29](#)]

**This matter will be dropped from calendar without a disposition. The case has already been dismissed. No appearance is necessary**

12. [13-14080](#)-B-13 KATHRYN DORAN  
IRS-1  
INTERNAL REVENUE SERVICE/MV  
  
SCOTT LYONS/Atty. for dbt.  
THOMAS ROHALL/Atty. for mv.

OBJECTION TO CONFIRMATION OF  
PLAN BY INTERNAL REVENUE  
SERVICE  
8-5-13 [[27](#)]

**This matter will be continued to October 10, 2013, at 1:30 p.m. The trustee has not yet concluded the meeting of creditors and by stipulation of the parties, the trustee has another 7 days after completion of the creditors' meeting to file his objection to the plan. The court will prepare a civil minute order. No appearance is necessary.**

13. [10-16785](#)-B-13 ANTONIO/MARIA LOPEZ  
DMG-4  
ANTONIO LOPEZ/MV  
D. GARDNER/Atty. for dbt.

MOTION TO MODIFY PLAN  
7-15-13 [[78](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

14. [13-14789](#)-B-13 JOEL GATICA AND EMELIA  
TOG-1 SANCHEZ  
JOEL GATICA/MV  
THOMAS GILLIS/Atty. for dbt.

MOTION TO VALUE COLLATERAL OF  
OCWEN MORTGAGE SERVICING, INC.  
7-30-13 [[16](#)]

The motion will be denied without prejudice. No appearance is necessary. The named respondent in the motion is Ocwen Mortgage Servicing, Inc. Based on the pleadings, the holder of this mortgage lien appears to be Ocwen Loan Servicing, LLC.

15. [11-16997](#)-B-13 HEATH/MICHELLE NEWTON  
DRJ-5  
HEATH NEWTON/MV  
DAVID JENKINS/Atty. for dbt.

CONTINUED MOTION TO MODIFY PLAN  
6-29-13 [[71](#)]

The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.

16. [12-60199](#)-B-13 WENDEE WILLIAMS  
BCS-1  
BENJAMIN SHEIN/MV

MOTION FOR COMPENSATION BY THE  
LAW OFFICE OF SHEIN LAW GROUP,  
PC FOR BENJAMIN C. SHEIN,  
DEBTOR'S ATTORNEY(S),  
8-5-13 [[31](#)]

BENJAMIN SHEIN/Atty. for dbt.

This matter was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The moving party shall submit a proposed order. No appearance is necessary.



17. [13-12899](#)-B-13 MARK EDELMAN  
JDM-2  
MARK EDELMAN/MV  
JAMES MILLER/Atty. for dbt.

MOTION TO MODIFY PLAN  
7-22-13 [[45](#)]

**The motion to confirm or modify a chapter 13 plan was fully noticed in compliance with the Local Rules and there is no opposition. The motion will be granted without oral argument for cause shown. The debtor(s) shall submit a proposed confirmation order for approval to the chapter 13 trustee. The confirmation order shall include the docket control number of the motion and it shall reference the plan by the date it was filed. No appearance is necessary.**

18. [13-15213](#)-B-13 HAN KIM  
HDN-1  
HAN KIM/MV  
SUNGCHUL SIN/Atty. for dbt.  
TO BE RENOTICED

AMENDED MOTION TO EXTEND  
AUTOMATIC STAY  
8-29-13 [[15](#)]

**The motion will be denied as untimely. No appearance is necessary. This petition was filed July 31, 2013. A motion to extend the automatic stay has to be set for hearing and concluded before 30 days after the filing of the petition. 11 USC § 362(c) (3) (B) .**

19. [13-15410](#)-B-13 GREGORY/ROSA MOORE  
DEB-1  
GREGORY MOORE/MV  
DONNY BRAND/Atty. for dbt.

MOTION TO EXTEND AUTOMATIC STAY  
8-29-13 [[18](#)]

**2:00 P.M.**

1. [13-14320](#)-B-13 MICHAEL VIVEROS  
MHM-1  
MICHAEL MEYER/MV  
  
TIMOTHY SPRINGER/Atty. for dbt.

MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
AND/OR MOTION TO DISMISS CASE  
8-2-13 [[19](#)]

2. [13-14234](#)-B-13 DARREN ZIMMER  
MHM-1  
MICHAEL MEYER/MV  
  
GLEN GATES/Atty. for dbt.

MOTION TO DISMISS CASE FOR  
FAILURE TO MAKE PLAN PAYMENTS  
AND/OR MOTION TO DISMISS CASE  
8-2-13 [[16](#)]